

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

WANDO MYRON STACY II,

Petitioner,

v.

3:06-cv-333

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM OPINION**

This is a petition for the writ of habeas corpus pursuant to 28 U.S.C. § 2241. On August 31, 2006, the court issued a deficiency order, requiring the petitioner to either pay the \$5.00 filing fee or submit an application to proceed *in forma pauperis*. Petitioner's copy of that order, which was mailed to him at his last known address of the Blount County Jail, was returned undelivered on September 7, 2006. Petitioner bears the burden of prosecuting his action, which includes informing the court of his correct mailing address, and he has not done so.

Accordingly, this action will be **DISMISSED WITH PREJUDICE** for plaintiff's failure to prosecute and to comply with the orders of the court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991). The court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. Fed. R. App. P. 24.

**AN APPROPRIATE ORDER WILL ENTER.**

s/ Thomas W. Phillips  
United States District Judge